

Attorney Docket No.: KUZ0031US.NP  
Inventors: Minoru Kohara  
Serial No.: 10/584,372  
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#### **REMARKS**

Claims 1-5 and 7-11 were pending in the instant application. Claims 1-5 and 7-11 have been rejected. Claim 1 has been amended. Claim 7 has been canceled. New claims 12 and 13 have been added. Support for the amendments is provided, for example, in canceled claim 7 and in paragraphs [0028], [0030] and [0034] of the specification. No new matter is added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

#### **I. Priority under 35 U.S.C. 119**

Applicants submitted on July 29, 2009 a certified copy of the JP2004-002491 application as required by 35 U.S.C. 119(b).

#### **II. Rejection of Claim 1 under 35 U.S.C. 112, second paragraph**

Claim 1 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner suggests that inclusion of claim language within parentheses renders the claim indefinite because it is unclear whether the term within the parentheses is part of the claimed invention or

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is an optional element. Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have amended claim 1 to remove the parenthesis and recite the shearing strength migration length as "after 2 minutes under weighting of 3g" and "after 5 minutes under weighting of 80g". Support for this amendment is provided, for example, in paragraph [0034] at page 16 of the instant specification.

Withdrawal of this rejection is respectfully requested.

### **III. Rejection of Claims under 35 U.S.C. 103(a)**

Claims 1-5 and 7-11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yasukochi et al. (WO 03/062342) in view of Hori et al. (U.S. Patent 6,146,656).

Applicants respectfully traverse these rejections.

Claims of the instant application have been amended to recite a patch comprising a pressure-sensitive adhesive layer comprising an acrylic copolymer containing from 3 to 25% by weight of hydroxyethyl (meth)acrylate as a constituent, a plasticizer and a pseudo-crosslinking compound, wherein the pseudo-crosslinking compound is one or more compounds selected from the group consisting of an amine compound, an aluminate and a phenol compound, and the ratio of the content of the plasticizer to the content of the pseudo-crosslinking compound ranges from 30:1 to 150:1,

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and wherein a shearing strain migration length of the pressure-sensitive adhesive layer after 2 minutes under weighting of 3g is not more than a thickness of the pressure-sensitive adhesive layer, and a shearing strain migration length after 5 minutes under weighting of 80g is not less than 10 times the thickness of the pressure-sensitive adhesive layer.

Neither Yasukochi et al. (WO 03/062342) nor Hori et al. (U.S. Patent 6,146,656) teach or suggest use of an amine compound, an aluminate or a phenol compound as a crosslinking agent as claimed. As acknowledged by the Examiner, teachings of Yasukochi et al. are limited to boric acid and derivatives thereof such as borates and boric esters as crosslinking agents. Hori et al. is silent with respect to use of any crosslinking agents.

Accordingly, the cited combination of references do not teach or suggest all elements of the instant claimed invention and therefore cannot render obvious the instant claimed invention.

Further, as demonstrated in the instant specification, for example at paragraphs [0033] and [0034], the claimed combination of acrylic copolymer containing a particular content of hydroxyethyl(meth)acrylate, a plasticizer and a

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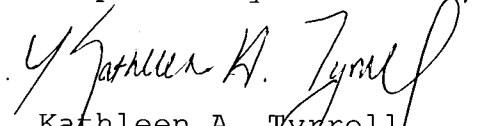
pseudo-crosslinking compound selected from the group consisting of an amine compound, an aluminate and a phenol compound in a ratio of 30:1 to 150:1 exhibits a remarkable effect. Achieving the demonstrated elasticity under a low stress and plasticity under a medium stress with the instant claimed combination of elements was completely unexpected over teachings of the cited references. This showing rebuts any prima facie obviousness over the combination of cited references. See MPEP 2141.

Withdrawal of this rejection under 35 U.S.C. 103(a) is respectfully requested.

#### **IV. Conclusion**

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

  
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Date: October 23, 2009

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